
தமிழ்நாடு சட்டமன்றப் பேரவை
TAMIL NADU LEGISLATIVE ASSEMBLY
வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS


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MADRAS LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

TUESDAY, 21st APRIL 1964

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CONTENTS



Legislative Council Department
Madras.

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MADRAS LEGISLATIVE COUNCIL DEBATES

TWENTY-THIRD SESSION OF THE LEGISLATIVE COUNCIL UNDER THE CONSTITUTION OF INDIA.

21st and 22nd April 1964.

Volume LVII (Nos. 1 and 2).

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TAMIL NADU LEGISLATIVE ASSEMBLY
வாய்மையே வெல்லும்
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PERSONNEL OF THE GOVERNMENT OF MADRAS



GOVERNOR OF MADRAS.

SHRI BISNURAM MEDHI.

MEMBERS OF THE COUNCIL OF MINISTERS.

1 THE HON. SRI M. BHAKTAVATSALAM : *Chief Minister in-charge of Public; General Administration including the Boards of Revenue and District Revenue Establishments; Planning; Finance; Education; Labour; Legislature; Elections; Religious Endowments; Official Language.*

2 THE HON. SRI R. VENKATARAMAN : *Minister in-charge of Industries, Commercial Taxes; Nationalised Transport; Technical Education; Electricity; Housing; Handlooms; Yarn; Textiles; Mines and Minerals; Iron and Steel Control; Prices and Supply of Goods Act; Companies, Newsprint Control; Ex-Servicemen; Legislation on Chits; Law; Transport.*

3 THE HON. SRI P. KAKKAN : *Minister in-charge of Police; Agriculture; Minor Irrigation; Animal Husbandry; Harijan Welfare; Prohibition; Bhoodan and Gramdan.*

4 THE HON. SRI V. RAMAIAH : *Minister in-charge of Public Works; Revenue; Legislation on Money Lending (Rural Indebtedness); Legislation on Weights and Measures; Indians Overseas; Refugees and Evacuees; Passports; Ports.*

5 THE HON. SRIMATHI JOTHI VENCATACHELLUM : *Minister in-charge of Public Health and Medicine; Women's and Children's Welfare; Orphanages; Accommodation Control; Beggars; Cinematograph Act.*

6 THE HON. SRI N. NALLASENAPATHI SARKARAI MANRADIAR : *Minister in-charge of Food; Co-operation; Courts; Forests and Cinchona; Khadi and Village Industries.*

7 THE HON. SRI G. BHUVARAHAN : *Minister in-charge of Information and Publicity; Registration; Stationery and Printing, Government Press; Prisons; Approved Schools and Vigilance Services; Fisheries.*

8 THE HON. SRI S. M. A. MAJID : *Minister in-charge of Municipal Administration; Community Development; Panchayats.*

THE MADRAS LEGISLATIVE COUNCIL

PRINCIPAL OFFICERS.

Chairman.

THE HON. SRI M. A. MANICKAVELU[a].

Deputy Chairman.

SRI V. K. PALANISWAMY GOUNDER.

Panel of Vice-Chairmen.

1. SRI K. RAMADASS.
2. DR. P. V. RAJAMANNAR.
3. SRI R. SIVASANKARA MEHTA.
4. * *

Secretary to the Council.

SRI C. D. NATARAJAN, M.A., B.L.

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[a] Elected as Chairman on the 22nd April 1964.

** The term of membership of Sri S. T. Adityan expired with effect from the afternoon of the 20th April 1964, and consequently his Vice-Chairmanship also ceased with effect from that date.

LIST OF MEMBERS OF THE MADRAS LEGISLATIVE COUNCIL WITH THEIR CONSTITUENCIES.

Serial number and name of member.	Name and class of Constituency.
1 Abdul Wahab, K. S.	State Legislative Assembly.
2 Aditanar, Si. Pa.	Tirunelveli Local Authorities.
3 Anbazhagan, K.	Madras-Chingleput Teachers.
4 Arunachalam, T. S.	State Legislative Assembly.
5 Balasubramanya Ayyar, K., B.A., B.L.	Madras East Central Graduates.
6 Chidambara Mudaliar, A. ..	Madurai Local Authorities.
7 Chidambaram Pillai, I. A., M.A.	Kanyakumari Local Authorities.
8 Chidambaranathan, Dr. A., M.A., PH.D.	North Arcot-South Arcot Teachers.
9 Chitrarasu, C. P.	State Legislative Assembly.
10 Clubwala Jadhav, Mary C. ..	NOMINATED.
11 Damodaran, G. R., B.SC. (Electrical) B.SC. (Mech.), (Durham) M.I.E.E. (Lond.) M.I.E.	Salem-Coimbatore-Nilgiris Teachers.
12 Devaraja Mudaliar, T. V. ..	North Arcot Local Authorities.
13 Doraiswamy Naidu	Coimbatore-Nilgiris Local Authorities.
14 Durairaj, T.	Tiruchirappalli Local Authorities.
15 Ethirajulu, M.	State Legislative Assembly.
16 Hande, Dr. H. V.	Madras District Graduates.
17 Janakirama Mudaliar, E. ..	State Legislative Assembly.
18 Jayarama Reddiar, S.	Ramanathapuram Local Authorities.
19 Kamalakannan, K.	South Arcot Local Authorities.
20 Kothandaraman, K. K. ..	Coimbatore-Nilgiris Local Authorities.
21 Krishnamoorthy, G.	Thanjavur-Tiruchirappalli Teachers.
22 Krishnaswamy Vandayar, A.	State Legislative Assembly.
23 Lakshmanan Chettiar, SP. K.A.	Ramanathapuram Local Authorities.

Serial number and name of member.	Name and class of Constituency.
24 Lakshmanaswami Mudaliar, Dr. A., B.A., M.D., LL.D. D.SC., D.C.L., F.R.C.O.G., F.A.C.S.	Madras District Graduates.
25 Lakshmi Krishnamurthi ..	State Legislative Assembly.
26 Manickavelu, M.A., B.A.B.L., (*Chairman*).	Do.
27 Manjubhashini, S.	NOMINATED.
28 Mohanlal Mehta	State Legislative Assembly.
29 Muthiah, C.	Thanjavur Local Authorities.
30 Muthiah Chettiar, M.A. ..	NOMINATED.
31 Natarajan, N. V.	State Legislative Assembly.
32 Palaniswamy Gounder, V. K. (*Deputy Chairman*).	Do.
33 Ponnuswamy Villavarayar, J.	Do.
34 Rajah Iyer, M.	Madai-Ramanathapuram Teachers.
35 Rajagopal Pillai, M.	State Legislative Assembly.
36 Rajamannar, Dr. P. V. ..	NOMINATED.
37 Rajaram Naidu, K.	State Legislative Assembly.
38 Romadoss, K.	Do.
39 Ramakrishna Achari, K. ..	Do.
40 Ramalingam Pillai, V.	NOMINATED.
41 Ramasamy, K. R.	State Legislative Assembly.
42 Ramaswami Mudaliar, V.K. ..	Chingleput Local Authorities.
43 Ramaswamy, K. V.	State Legislative Assembly.
44 Ramaswamy Reddiar, O. P. ..	NOMINATED.
45 Rengaswamy, V., B.A.	Do.
46 Sambandhan, S. K., B.A. ..	Madras North Graduates.
47 Sambasiva Reddiar, A. ..	Salem Local Authorities.
48 Sankaralingam Pillai, M. ..	Tirunelveli-Kanyakumari Teachers.
49 Saraswathy Pandurangam ..	NOMINATED.
50 Sivanandam, Dr. T. V., M.B.B.S.	Madras West Central Graduates.
51 Sivasankara Mehta, R. ..	Madras Local Authorities.
52 Sivasubramania Pandian ..	Tirunelveli Local Authorities.

Serial number and name of member.	Name and class of Constituency.
53 Sreenivasan, Dr. A. M.R.C.P. (Lond.).	Madras South Graduates.
54 Subbiah Chettiar, M. ..	Tiruchirappalli Local Authorities.
55 Subramanyam, A.	State Legislative Assembly.
56 Thangavel Mudaliar, A. K. ..	South Arcot Local Authorities.
57 Thiagarajan, N. R.	Madurai Local Authorities.
58 Thirupurasundari, T. L.	NOMINATED.
59 Venkatachalam, R. ..	Salem Local Authorities.
60 Venkatachala Thevar, P. ..	Thanjavur Local Authorities.
61 Venkataraman, R., M.A., B.L. (*Minister—Leader of the House*).	State Legislative Assembly
62 Vijayarangam, G.	North Arcot Local Authorities.
63 *Vacant.*	


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THE MADRAS LEGISLATIVE COUNCIL

TWENTY-THIRD SESSION OF THE LEGISLATIVE COUNCIL UNDER THE CONSTITUTION OF INDIA.

Tuesday, the 21st April 1964.

The House met in the Council Chamber, Fort St. George, at two of the clock, the Deputy Chairman (SRI V. K. PALANISWAMY GOUNDER) in the Chair.

I.—WELCOME TO NEW MEMBERS.

DEPUTY CHAIRMAN : Hon. Members, it is my very first and most pleasant duty to welcome you all to this first meeting after the recent biennial and bye-elections to this House. I extend a very hearty welcome to the five re-elected, fourteen newly elected, two re-nominated and one newly nominated Members and congratulate them.

This House has established very great traditions and conventions for fellowship, mutual regard, dignity and decorum. Members of this august House have always maintained a high standard in debates and discussion. I have no doubt that the Chair will continue to receive your help and co-operation in the maintenance of the prestige and dignity of the House.

II.—SWEARING-IN OF NEW MEMBERS.

DEPUTY CHAIRMAN : The first business before the House is the administration of oath or affirmation to the new Members as required under Article 188 of the Constitution of India. In accordance with the practice followed in the Legislature, the Secretary will call the name of the Minister, the names of the former Chief Minister and former Ministers and the names of other hon. Members in the alphabetical order. I request hon. Members to advance to the dais, make and subscribe the oath or affirmation, sign in the register and then resume their seats.

Members may sit in any of the vacant seats till the seats are allotted under Rule 62 of the Council Rules.

The Secretary then called the names of the new Members.

The following Members took the prescribed oath :—

* 1. The Hon. Sri R. VENKATARAMAN (E).

*2. Sri M. A. MANICKAVELU (E).

3. Sri M. A. MUTHIAH CHETTIAR (E).

* 4. Dr. A. LAKSHMANASWAMI MUDALIAR (E).

* 5. Sri S. B. ADITYAN (E).

6. Sri A. CHIDAMBARA MUDALIAR (T).

7. Dr. A. CHIDAMBARANATHAN (T).

* 8. Sri C. P. Chitrarasu (T).

9. Sri M. Ethirajulu (T).

10. Dr. H. V. Hande (E).

11. Sri K. K. Kothandaraman (T).

12. Srimathi Lakshmi Krishnamoorthi (E).

13. Sri Mohanlal Mehta (E).

* 14. Sri N. V. Natarajan (T).

15. Sri V. K. Ramaswami Mudaliar (E).

16. Sri M. Sankaralingam Pillai (T).

17. Srimathi Saraswathy Pandurangam (T).

18. Sri Sivasubramania Pandian (T).

* 19. Sri N. R. Thiagarajan (T).

20. Sri O. P. Ramaswami Reddiar (T).

III.—FELICITATIONS TO NEW MEMBERS.

* The Hon. Sri R. VENKATARAMAN : Mr. Deputy Chairman, it is with very great pleasure that I offer to the re-elected members and to the new members my felicitations as well as the felicitations of this House, as its Leader. On the last occasion when some of the Members were retiring, I expressed the hope that all the retiring members would be re-elected. I seem to have proved a Prophet. Except for one very sad case, all the Members have been re-elected, and have taken the rightful place in the House. It is a tribute to the service which they have rendered during the last six years, and I am quite sure that they will continue to give their wise counsel and their very valuable guidance and advice in the years ahead of us. As far as the new Members are concerned, the House is now enriched by having two veterans and a few stalwarts. Sir, in the American national history, a patriot is one who had participated in the freedom struggle, that is, the War of Independence. According to our definition, a veteran is one who has been a Member of the Legislature before Independence. We have Sri M. A. Manickavelu Naicker, who was not only a Member of the Legislature in the pre-Independence days but also a Parliamentary Secretary in those days. We have Raja, Muthiah Chettiar, again a very effective Member and Minister in the former Government before Independence. The House extends its felicitations to them. We have an ex-Chief Minister, a forthright speaker, and one of the ablest men that our State has produced in Sri O. P. Ramaswami Reddiar. We are very happy that the Governor has been pleased to re-nominate him and allow him to continue his service, which he has been rendering to this State both in the very difficult days of the pre-Independence struggle as well as in the post-Independence period of administration, which the Congress Party has undertaken.

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* **Members who solemnly affirmed their allegiance to the Constitution.**

(E) Members who took the prescribed oath in English.

(T) Members who took the prescribed oath in Tamil.

21st April 1964] [Sri R. Venkataraman]

Among the new Members there are many eminent men who have made a mark in the public life, and who are educationally and otherwise very highly qualified. I have no doubt that their contribution to the House will be valuable and that the House will greatly benefit by their vast experience in the public life which they have had. I hope I would not be mistaken if I make special mention of one new Member, the daughter of our great patriot Sri S. Satyamurthi—I mean Srimathi Lakshmi Krishnamoorthy. Her father was one of the eminent orators of India. And if she proves to be even a chip of the old block, I am sure she will carry the House with her.

In the end, I wish to say only one thing. This House has established very high traditions in the matter of debate and in the form of address as well as the friendliness with which the Members move with each other. There has been no bitterness or rancour whatsoever in the House so far. I do hope the same spirit of cordiality will continue and that we will contribute our little share in the service of the motherland believing that our destiny is cast together to live in a country which is ours and to live together in brotherhood which is our duty.

Thank you, Sir.

IV.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Bug poison

* 173 *Q*.—DR. A. SREENIVASAN : Will the Hon. the Minister for Home be pleased to state—

(*a*) whether it is a fact that poisonous drugs to kill bugs are openly available in the market;

(*b*) whether any cases of suicides due to taking in of bug poison have come to the notice of the Government; and

(*c*) whether there is any proposal to introduce drugs which are not lethal to humans to kill bugs?

THE HON. SRI P. KAKKAN : (*a*) Bug killing drugs are sold only in shops which are licensed for the purpose. 2–20 p.m.

(*b*) Yes.

(*c*) There is a proposal under consideration of the Government of India to amend the Import Trade Control Licences and the Poisons Rules, so as to require the dealers to market preparations for killing bed bugs only in a diluted form which may not be lethal to human beings.

(அ) மூட்டைப்பூச்சி மருந்துகள் விற்கப்படுவதற்காக லைசென்ஸ் கொடுக்கப்பட்டுள்ள கடைகளில் மட்டுமே அவை விற்கப்படுகின்றன.

(இ) ஆம்.

[21st April 1964

(உ) மூட்டைப் பூச்சி மருந்துகளால் மக்கள் உயிருக்கு அபாயம் ஏற்படாவண்ணம் அவற்றை நீர்த்த நிலையில் மட்டுமே விற்க வேண்டுமெனக் கட்டளையிடுவதற்காக இறக்குமதி வர்த்தகக் கட்டுப்பாட்டு லைசென்ஸ் விதிகள், விஷப்பொருள் விதிகள் ஆகியவற்றைத் திருத்த இந்திய அரசாங்கம் யோசித்து வருகிறது.

டாக்டர் ஏ. சீனிவாசன்: தற்காலிகமாக இந்த மூட்டைப் பூச்சி மருந்தை எல்லோருக்கும் விற்காமல் இருக்க ஏதாவது வழி செய்ய முடியுமா ?

கனம் திரு. பி. கக்கன் : எல்லோருக்கும் விற்கமாட்டார்கள். யாருக்கு விற்க வேண்டுமென்று பார்த்து அதன்படிதான் விற்கப்படும்.

டாக்டர் ஏ. சீனிவாசன் : யார் வேண்டுமானாலும் கடையில் நாலணா கொடுத்து வாங்கலாம். ஆகையால் கனம் மந்திரி அவர்கள் சொல்வது சரியாகப் படவில்லை. இருந்தாலும் மறுபடியும் பரிசீலனை செய்து கடையில் நாலணா எட்டணா கொடுத்து வாங்கி அனாவசியமாக உயிரை விடுகிறவர்களைத் தடுக்கவேண்டும். உயிரை விடுவதால் ஃபுட் பிராப்ளம் ஓரளவுக்குத் தீர்ந்துவிடுகிறது என்றாலும் அது நாகரிகத்திற்கு விரோதமாக இருப்பதால் கொஞ்ச நாளைக்கு அதை விற்காமல் தடை செய்தால் அதைச் சாப்பிட்டு உயிரை விடும் ஏழைகள் காப்பாற்றப்படுவார்கள். அதை ஏழைகள் தான் சாப்பிட்டுவிட்டு பிராணனை விடுகிறார்கள்.

DEPUTY CHAIRMAN : It is not a supplementary question It is only a statement.

DR. A. SREENIVASAN : I am explaining why it must be stopped.

DEPUTY CHAIRMAN : Next question.

Fire-arms.

* 174 *Q.*—DR. A. SREENIVASAN : Will the Hon. the Minister for Home be pleased to state the number of persons who have been given licences for the use of fire-arms in the City of Madras, as on 1st March 1964?

THE HON. SRI P. KAKKAN : 1835.

டாக்டர் ஏ. சீனிவாசன் : இந்தத் துப்பாக்கிகள் யார் யாருக்குக் கொடுக்கப்படுகின்றன என்று சர்க்கார் சொல்லமுடியுமா ?

கனம் திரு. பி. கக்கன் : பலபேர்கள் கேட்கிறார்கள். பல காரணங்களையும் பரிசீலனை செய்து யாருக்குக் கொடுக்க முடியுமோ அதைப் பார்த்து அவர்களுக்குத்தான் அவை கொடுக்கப்படுகின்றன.

டாக்டர் ஏ. சீனிவாசன் : சென்ற கார்ப்பரேஷன் தேர்தலில் சில காண்டிடேட்டுகள் சில பேர்களை துப்பாக்கியைக் காட்டி பயமுறுத்தியதாகவும் புரளி பண்ணியதாகவும் காதில் விழுந்தது.

21st April 1964]

நாமினேஷன் ஸ்குரூட்டினி செய்ததும் யார் காண்டிடேட்டோ அவர்கள் துப்பாக்கிகளை போலீசில் சரண்டர் செய்யும்படி கவர்ன்மெண்ட் சொல்லுமா ?

கனம் திரு. பி. கக்கன் : எலக்ஷனில் நிற்கிறவர்கள் குடிமக்களுக்குத் தொண்டு செய்வதற்காக வருகிறார்கள். துப்பாக்கியால் சுடுவதற்காக வரவில்லை. அப்படி ஏதாவது இருந்தால் அது அரசாங்கத்தின் கவனத்திற்கு வரும்போது தக்க நடவடிக்கை எடுப்பார்கள்.

டாக்டர் ஏ. சீனிவாசன் : அனேக பெரிய மனிதர்கள் இருக்கிறார்கள். போலீசில் சலுகை இருக்கிறது. என்னைப்போல இருப்பவர்கள் மீதுதான் ஆக்ஷன் எடுப்பார்கள். ஆகையால் காண்டிடேட் நாமினேஷன் பைல் செய்து ஸ்க்ரூட்டினி ஆனவுடன் போலீசில் துப்பாக்கிகளை சரண்டர் பண்ணுமாறு செய்தால் ஜனங்களுக்கு சௌகரியமாக இருக்கும்.

கனம் திரு. பி. கக்கன் : துப்பாக்கி வைத்துக்கொள்பவர்கள் பணக்காரர்கள் ஏழைகள் என்றில்லை. யார் குற்றம் செய்தாலும் அரசாங்கம் நடவடிக்கை எடுக்கும். கனம் அங்கத்தினர் சொல்வதைப் பரிசீலனை செய்து பார்க்கிறேன்.

திரு. ஆர். வெங்கடாசலம் : துப்பாக்கி லைசன்சு எந்த அடிப்படையில் கொடுக்கப்படுகிறது ?

கனம் திரு. பி. கக்கன் : மூன்று காரணங்களை வைத்துத் தான் துப்பாக்கி லைசன்சு கொடுக்கப்படுகிறது.

(1) Applicant's reliability.

(2) His ability to keep the weapon safe from theft or misuse.

(3) His need for such a weapon.

திரு. எம். சுப்பையா செட்டியார் : அரசியல் காரணங்களுக்காக துப்பாக்கி லைசன்சு கொடுப்பது மறுக்கப்பட்டதா ?

கனம் திரு. பி. கக்கன் : அப்படி மறுக்கப்பட்டதாக என்னிடத்தில் தகவல் இல்லை. அவசியமான காரணங்களுக்காகத்தான் தவிர்க்கப்பட்டிருக்கும்.

Overbridges.

* 175 *Q.*—Sri K. S. ABDUL WAHAB : Will the Hon. the Minister for Works be pleased to state—

(*a*) whether there is any proposal to construct overbridges at railway level crossings in Tiruchirappalli town; and

(*b*) if so, the stage at which the matter now stands?

THE HON. SRI V. RAMAIAH (*a*) & (*b*) : Consideration of proposals for the construction of overbridges at the existing level crossings at mile 197/6 of the Grand Southern Trunk Road, south of

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Palakarai Railway Station and at Hebar Road, north of Palakarai Railway Station in Tiruchirappalli town 1,025 feet from mile 197/2 of the Grand Southern Trunk Road has been deferred along with twelve other similar schemes within Municipal limits outside the City of Madras in view of the National Emergency.

SRI K. S. ABDUL WAHAB : May I know the year when it was first initiated?

THE HON. SRI V. RAMAIAH : No schemes have been taken up.

SRI K. S. ABDUL WAHAB : Was it not included in the Third Five-Year Plan?

THE HON. SRI V. RAMAIAH : We wanted to take it up. The preliminary work has been done, but we could not proceed with it because of the National Emergency?

SRI G. KRISHNAMOORTHY : Is there any proposal to construct an overbridge between Tiruvanaikoil and Srirangam at the level crossing?

THE HON. SRI V. RAMAIAH : A separate question may be put.

SRI M. RAJAH IYER : May I know the cost of the overbridge which is borne between the centre and the State and whether the Centre is prepared to pay the cost of the overbridge if we bear the cost of the approach roads?

THE HON. SRI V. RAMAIAH : The Centre at present is prepared to bear the cost of the bridge across the railway line. We will have to bear the cost of the approach roads.

SRI M. RAJAH IYER : Will not the Government consider the possibility of constructing more overbridges inasmuch as the cost of construction of the overbridge is borne by the Centre?

THE HON. SRI V. RAMAIAH : In practice we find the construction of the bridge over the railway line is cheaper than the approach roads. We bear all that in mind and whenever funds permit, we do go in.

SRI M. RAJAH IYER : If only we can find the necessary funds for the construction of the approach roads, all the unmanned level crossings would be eliminated.

THE HON. SRI V. RAMAIAH : It is a question of finance.

SRI S. K. SAMBANDHAN : As the cost of constructing the approach roads is higher than that of the overbridges, will this Government represent to the Government of India and try to get more aid for the construction of these overbridges?

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THE HON. SRI V. RAMAIAH : We are not approaching the Government of India on that line. But now we have taken up with the Government of India the matter of getting the cost paid by the Government of India of all roads which are classified as National Highways.

SRI G. KRISHNAMOORTHY : Is it a fact that a sub-way costs less than an overbridge?

THE HON. SRI V. RAMAIAH : No.

SRI M. SUBBIAH CHETTIAR : As there are great delays in traffic at the level crossings, in spite of the Emergency, will the Government reconsider their attitude and see that these bridges are constructed immediately?

THE HON. SRI V. RAMAIAH : It may not be possible for us to construct immediately, but we are considering all aspects and also the resources available. Whenever funds permit, we do go in. We do not put a complete stop to the construction of roads.

SRI V. K. RAMASWAMI MUDALIAR : May I know how much money had been spent on these bridges before the decision to stop was taken?

THE HON. SRI V. RAMAIAH : We have not taken up these projects yet.

SRI K. S. ABDUL WAHAB : Was this overbridge included in the Second Five-Year Plan and was it not carried out because some influential persons and shop-keepers were affected in Tiruchirappalli?

THE HON. SRI V. RAMAIAH : I have no information on that.

Village Officers

* 176 *Q.*—SRI S. K. SAMBANDHAN : Will the Hon. the Minister for Works be pleased to state—

(*a*) whether any representation has been received recently from the village officers for the payment of their remuneration without delay and to increase their remuneration; and 2-30 p.m.

(*b*) if so, the action taken or proposed to be taken thereon?

THE HON. SRI V. RAMAIAH : (*a*) Yes.

(*b*) The matter is being examined by the Government.

SRI S. K. SAMBANDHAN : Have representations also been made in regard to delay in the payment of remuneration and, if so, when are Government likely to decide about these matters?

THE HON. SRI V. RAMAIAH : Sir, they have made a number of representations and they are all under examination of the Government. As far as delay is concerned, I do not think there could be any undue delay in that. If the hon. Member puts a separate question on this particular aspect of the matter, I will look into the matter and tell him the real position.

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DR. A. CHIDAMBARANATHAN : What is the position of the village officers in Thanjavur district who have recently resigned consequent on payment of low remuneration to them?

THE HON. SRI V. RAMAIAH : Sir, so far as Thanjavur district is concerned, except the report I saw in the newspapers, I have not got any report from the Collector yet. As far as the question of remuneration is concerned, Government have announced that the entire problem would be looked into. All the officers in the other districts have taken that assurance in good spirit and they have not thought of any such action as some—not all—in Thanjavur district have done.

SRI K. BALASUBRAMANYA AYYAR : To some extent it has been recognised that the village officers have grievances and, therefore, instead of depending on reports from the Collectors, may I put it to the Hon. Minister that he could make enquiries about them during his tours and redress them?

THE HON. SRI V. RAMAIAH : So far as the grievances are concerned, I am well aware of many of their grievances. But the agitation in the Thanjavur district to which reference was made by the hon. Member, does not merely concern the increase in the remuneration. There are many problems linked with it. Government have actually gone into them. A Cabinet Sub-Committee had gone into them and made recommendations and action was deferred because the panchayat administration came into force in the meantime. They expect some changes under it and it will be taken up some time this year. In the other House I have assured that this question will be considered during the course of this year.

SRI M. SUBBIAH CHETTIAR : Do the Government feel that the allowances paid to the village officers are adequate and with that they can live a decent life, and, if not, will the Government grant an increase as early as possible?

THE HON. SRI V. RAMAIAH : If we talk only in terms of money that is given to these officers, then it will be a big question. But here there are so many other questions which have to be looked into as far as the village officers are concerned. There is the problem of full-time employment or part-time employment. There are several other such questions to be settled. So we have to tackle the matter as a whole. If we attach importance only to one aspect of the matter, then we are likely to forget the others. That is why the whole matter was gone into by a Cabinet Sub-Committee. When the decision was about to be taken, the panchayat administration came in and the implementation of the recommendation of the Cabinet Sub-Committee was deferred. Now it will be taken up again.

DR. A. SREENIVASAN : When the Government are on this question, namely, examining the position of the village officers, will the Government consider the question of the hereditary rights of the village officers also?

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THE HON. SRI V. RAMAIAH : As far as the hereditary system is concerned, the Supreme Court has held that it is not permissible under the Constitution.

DR. A. SREENIVASAN : Sir, is it a fact that the work of the village officers has increased considerably as a result of the introduction of the Panchayat Raj?

THE HON. SRI V. RAMAIAH : Yes, Sir, after Government have taken up more developmental work, the work of the village officers has also increased.

DEPUTY CHAIRMAN : Questions are over.

II.—SWEARING-IN OF NEW MEMBERS—*cont.*

DEPUTY CHAIRMAN : A new Member Sri K. Doraiswamy Naidu has come. He will now be sworn in.

* The Member was sworn in (T).

V.—GOVERNMENT MOTIONS.

(1) NOMINATION OF TWO MEMBERS TO ASSOCIATE WITH THE COMMITTEE ON PUBLIC ACCOUNTS OF THE LEGISLATIVE ASSEMBLY FOR THE YEAR 1963-64.

THE HON. SRI R. VENKATARAMAN : Mr. Deputy Chairman, Sir, I move—

"This House nominates the following two Members of the Council to associate with the Committee on Public Accounts of the Legislative Assembly for the year 1963–64 in the vacancies caused by the expiration of the term of office of Sri T. Joghee Gowder and Dr. A. Chidambaranathan with effect from the afternoon of 20th April 1964 :—

1. Dr. A. Chidambaranathan.
2. Sri A. Chidambara Mudaliar."

DEPUTY CHAIRMAN : The question is—

'This House nominates the following two Members of the Council to associate with the Committee on Public Accounts of the Legislative Assembly for the year 1963-64.
in the vacancies caused by the expiration of the term of office of sri T. Joghee Gowder and Dr. A. Chidambaranathan with effect from the afternoon of 20th April 1964 :

1. Dr. A. Chidambaranathan.
2. Sri A. Chidambara Mudaliar.

The motion was put and carried.

(T) The Member took the prescribed oath in Tamil.
* The Member solemnly affirmed his allegiance to the Constitution.

(2) NOMINATION OF ONE MEMBER TO ASSOCIATE WITH THE COMMITTEE ON ESTIMATES OF THE LEGISLATIVE ASSEMBLY FOR THE YEAR 1963–64.

THE HON. SRI R. VENKATARAMAN : Mr. Deputy Chairman, Sir, I move—

'This House nominates the following one Member of the Council to associate with the Committee on Estimates of the Legislative Assembly for the year 1963–64 in the vacancy caused by the expiration of the term of office of Sri V. M. Surendra Ram with effect from the afternoon of 20th April 1964 :—

Sri C. Muthiah Pillai.'

DEPUTY CHAIRMAN : The question is—

'This House nominates the following one Member of the Council to associate wtih the Committee on Estimates of the Legislative Assembly for the year 1963–64 in the vacancy caused by the expiration of the term of office of Sri V. M. Surendra Ram with effect from the afternoon of 20th April 1964 :—

Sri C. Muthiah Pillai.'

The motion was put and carried.

VI.—GOVERNMENT BILLS.

(1) THE MADRAS BUILDINGS (LEASE AND RENT CONTROL) AMENDMENT BILL, 1964 (L.A. BILL NO. 17 OF 1964).

THE HON. SRIMATHI JOTHI VENCATACHELLUM : Mr. Deputy Chairman, Sir, I move—

'That the Madras Buildings (Lease and Rent Control) Amendment Bill,[a] 1964 (L.A. Bill No. 17 of 1964) as passed by the Assembly be taken into consideration.'

Section 30 of the Madras Buildings (Lease and Rent Control) Act, 1960 provides for exemption to certain categories of residential and non-residential buildings from the entire provisions of the Act. As the Members are aware, there were no such exemption provisions in the Madras Buildings (Lease and Rent Control) Act, 1949 which was repealed and replaced by the Madras Buildings (Lease and Rent Control) Act, 1960. The exemption provisions were introduced in the Act of 1960.

The idea was to relax gradually all controls in the matter of buildings and as the first step towards this, it was provided that all new buildings and all big buildings on monthly rents above Rs. 250 in the case of residential buildings and Rs. 400 in the

[a] Printed as Appendix I on page 25.

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case of non-residential buildings should be exempted from the accommodation control as well as the rent and eviction control provisions. It was hoped that with the encouragement given to the construction of new buildings, the position in regard to the shortage of accommodation generally would ease.

But in the actual working of these exemption provisions, the Government found that the landlords of buildings which were exempted took undue advantage and demanded exorbitant rents from their tenants threatening them with summary ejection in case their demands were not conceded. Even poor tenants who were in occupation of small portions of big buildings were subject to these hardships because of the exemption available to the buildings as a whole though the portion in their occupation was small on a monthly rent below the limits prescribed in section 30.

The Government after examining the whole position introduced in the Legislative Assembly on 13th November 1961 a Bill by which it was proposed to take away the exemptions except in regard to the buildings constructed after 30th September 1960. But the Select Committee of the Legislative Assembly to which the Bill was referred decided that the exemption should be on the basis of rent paid by the tenants and that the protection under the Act should not be extended to a tenant paying a monthly rent exceeding two hundred and fifty rupees in the case of a residential building or part thereof and four hundred rupees in the case of a non-residential building or part thereof. The principal Act was accordingly amended by the Madras Buildings (Lease and Rent Control) Amendment Act, 1962 (Madras Act 2 of 1962).

Since then the Government have been receiving representations from the business community in general and the owners of catering establishments in particular, that, in view of the exemption from the rent and eviction control provisions of the Act now available to non-residential buildings or parts of non-residential buildings under their tenancy on monthly rents above Rs. 400 they are harassed by landlords and put to difficulties and troubles and also threatened with ejection from their business premises. The Government have examined the whole question again and have come to the conclusion that the exemption now available to non-residential buildings or parts of such buildings on monthly rents exceeding Rs. 400 should be withdrawn so that 2-40
all non-residential buildings except those constructed after 30th p.m.
September 1960 are brought within the purview of the Act and the tenants in occupation of such buildings protected under the Rent Control and eviction control provisions of the Act. The exemption available to residential buildings or parts of such buildings fetching monthly rents exceeding Rs. 250 will be continued. With this object, section 30 of the Act is proposed to be amended as provided for in the Bill. The Legislative Assembly passed the Bill on 31st March 1964. I hope that this House also will accept and pass the Bill.

DEPUTY CHAIRMAN: Motion moved—

'That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1964 (L.A. Bill No. 17 of 1964), as passed by the Assembly, be taken into consideration'.

SRI K. BALASUBRAMANYA AYYAR: Mr. Deputy Chairman, I am aware that the Legislative Assembly has passed it, and we are a weak body and cannot change it. But there are some very important principles which, I think, the Government and also other hon. Members should take into consideration before they pass this Bill. You will remember, Sir, that in 1960 the Hon. Sri V. Ramaiah (fortunately he is present here now) who was in charge of the Bill said tersely, when he moved the Bill consolidating the earlier legislation, that all principles of rent control and de-control would be taken into consideration and finally the Bill would be passed. During the Select Committee stage, Sri C. Subramaniam suggested that in the case of residential buildings fetching a rent of over Rs. 250 and in the case of non-residential buildings fetching a rent of over Rs. 400, they were not anxious to disturb the freedom of contract. The principle of the rent control legislation was that the Government would not interfere unnecessarily with the freedom of contract except for the purpose of protecting people when the necessity arose. It is all right. In the case of residential buildings, it must be all right, because there are poor tenants paying high rents. We all agreed. But so far as non-residential buildings are concerned, the limit was fixed at Rs. 400. The Hon. Sri C. Subramaniam suggested during the consideration of the Bill at the Select Committee that they were not unnecessarily disturbing the freedom of contract between the parties and that the matter would be settled by the law of demand and supply. Therefore it is we adopted this limit of Rs. 400 at the Select Committee stage and the Bill was passed in 1960. In 1962 when certain minor provisions were amended, this provision relating to the limit of Rs. 400 was not amended. Therefore, there was nothing disturbing in 1962 according to Government. Otherwise, they would have brought forward this amending Bill then itself. It was not done. In 1964, the limit of Rs. 250 for residential buildings has not disturbed the freedom of contract between the parties. And so, the principle enunciated by Sri C. Subramaniam holds good and is accepted. Only in the case of non-residential buildings, there seem to have been representations from the business community. All right. Let us see what their representation is and what is the effect of their representation. This is a matter of contract between parties. The business community are not poor tenants. Persons who are prepared to pay over Rs. 400 as rent can never be called poor tenants. They must have business warranting a payment of Rs. 400 as rent. Otherwise, they would not have agreed to pay this Rs. 400 as rent. If we take away the limit and if the landlord wants to fix the rent at over Rs. 400, what can he do? The hon. Member Raja Muthiah Chettiar will bear with me, when I

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say, that the Indian Bank has its own difficulty of paying high rent. What do we do then? It is an essential service, banking service. But what do we do? We enter into a five-year contract with option on both sides. Therefore, within these five years, what will happen? The owners cannot merely threaten with eviction proceedings. Even if they threaten, why should the Legislature be threatened? I do not see any reason why the Legislature should be threatened. It is a contract between the parties and they will be guided by the terms of the contract. Some one in favour of the businessmen may come here and say, ' No, no; they will have written among themselves an agreement for a smaller amount.' But remember that it is for an amount over Rs. 400. Therefore, the tenant must have been prepared to pay over Rs. 400. What is the nature and use of the non-residential buildings? The Government must remember that. The Income-tax Department goes to the rescue of the tenant. Half of the rent is deducted for expenses. It is shown in the return and they are allowed to deduct it from the income. Therefore, I ask, how is trade and commerce affected. I cannot understand how the Government are seriously affected. I should say that this must be evidently a matter which must be regulated by contract between the parties and the Government must hesitate to interfere. This principle has been accepted earlier and it is on the basis of acceptance of this principle by the Government during the select committee meetings in 1960 and also by the Legislature later on, that this limit of Rs. 400 was fixed for non-residential buildings. The Government have accepted the principle that freedom of contract should not be interfered with also because they want that housing accommodation should progress and increase in our country and that we should not unnecessarily interfere. Therefore it is I say that if rents are fixed at over Rs. 400 in the case of non-residential buildings, they are exempted. They have adopted a well-known principle in rent control. This well-known principle was accepted in 1960 after great deliberation in the Select Committee and also in both the Houses. There can be no new justification for saying that somebody has made a representation and therefore, we should bring in this Bill. Because people make representations, we do not pass Bills here, unless without the necessary legislation the people are very seriously affected. How are the people seriously affected? It is mentioned in the Statement of Objects and Reasons that it restricts trade and commerce. I say it cannot. There are people who can afford to pay Rs. 400 and more and they have entered into a contract for the purpose. When they enter into the contract, naturally according to our experience, there would be an agreement. The businessmen will not enter into agreements unnecessarily like other ordinary people occupying residential buildings, who sometimes make agreements month by month. Here we are dealing with businessmen. Business people are not people like many of us here. They always take care to see that the contract is laid out properly. Therefore, there can be no question of their being threatened with eviction.

I have seen this phrase ' threatening eviction ' in the case of the Cultivating Tenants Protection Bill and in every other Bill relating to cultivating tenants. In their case there may be some justification. But I cannot see any justification for that phrase in the case of persons occupying non-residential buildings. There can be no justification for interference in the case of the business people. It is an interference with the freedom of contract. When the Government take away the exemption which has been granted by both the Houses of the Legislature, it must be for a better cause and a stronger cause then the one put forward.

DR. A. LAKSHMANASWAMI MUDALIAR : Sir, I rise to support all that Sri Balasubramanya Ayyar said against this Bill. I was a member of the Joint Select Committee which discussed this Bill threadbare in 1960. The Hon. Sri V. Ramaiah was there on the committee. We spent days and days over this Bill. We argued the matter and every part of the Bill was discussed threadbare. The Hon. Sri C. Subramaniam was also there. We did feel that the Hon. Sri V. Ramaiah understood the problem in all its aspects. I am not speaking for the poor businessman. We looked into his case, and therefore we fixed the limit of Rs. 400. A poor man paying a rent of over Rs. 400 per month and carrying on business, is an anomaly. We are speaking of the socialistic pattern of society. Are the Government going to protect those who are getting thousands of rupees and paying income-tax by saying that they cannot afford to pay Rs. 400? That there is rackrenting is a very familiar phrase used by the Government just to see that some people are benefited. In the proper case, I am all for benefiting them. But these people are not the people who stand in need of protection from the Government. Therefore, I think it is unfortunate that a Bill of this description should be brought in. The Amending Bill is an attempt to rob Peter to pay
2–50 p.m. Paul. There is no case for thrusting protection on a class of people who are not starving. On the other hand, owners of buildings in urban areas have to pay property-tax and land-tax and may have to pay income-tax as well. Passing the Bill would do a grievous wrong to them and would go against the whole concept of justice and fairplay.

Of course, I shall certainly support the measure if it is to be sent to a Select Committee.

There is one other point. Whenever Bills of this nature are brought forward, we are kept in the dark as to the amount that will have to be spent on the heavy establishment that will have to be set up. When every business premises fetching a rent of over Rs. 400 comes under the purview of the Rent Control Act, has the Hon. Minister calculated the strength of the establishment that will have to be set up and what the charges are that will be incurred on the establishment? Instead of passing this Bill, more buildings may be constructed, multi-storeyed buildings may be

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put up in Mount Road which will accommodate the Rent Control office also. They will come up if the Hon. the Leader of the House gives his approval. But what is the object of bringing in this measure when there is no case whatsoever to give special treatment to a class of people who are by no means starved? I can understand the case of poor persons who carry on small trade being protected against eviction. What has happened to the traders now? Probably they will be paying a monthly rent of Rs. 200 or so. If it affects these people, then certainly we can think of helping them. But I am sorry to say that this Bill is a measure which is punitive in character.

Dr. H. V. HANDE: Mr. Deputy Chairman, Sir, while I welcome the idea of withdrawal of the limit in respect of non-residential buildings fetching a rent of more than Rs. 400, I fail to see why the limit of Rs. 250 in the case of private buildings is not withdrawn. In fact, I see there is a greater necessity in the case of private buildings for the withdrawal of the limit.

Sri K. BALASUBRAMANYA AYYAR: There is no question of public and private buildings. Please say ' residential building '.

The Hon. Sri R. VENKATARAMAN: This is his maiden speech. Let him not be interrupted.

Dr. H. V. HANDE: In the case of a residential building which fetches a rent of Rs. 160, there is the possibility of temptation for the landlord to increase it to Rs. 250, just to escape from the clutches of the rent control authority. That is my point. The upper middle classes and the middle classes paying a rent of Rs. 160 will suddenly find that they have to pay more than Rs. 250. The owner of the building wants to escape from the clutches of the Rent Control Officer. This particular measure seeks to withdraw the limit of Rs. 400 in respect of non-residential buildings. The non-withdrawal of exemption in the case of residential buildings will result in spiralling up of prices indirectly. All our attempts to hold the priceline will be futile. This increases the cost of living for the lower and upper middle classes. Therefore I find the necessity to withdraw this exemption is much more in the case of residential buildings. Now that the Amending Bill has come up before the House for consideration, let me point out a couple of anomalies that are there in the proper administration of the measure. For instance, there are people who are suddenly transferred from one place to another. There are certain categories of people who are without houses. I would like to know whether the Government have got a code of priority for these houseless people and on what basis they are given first priority. When a person is suddenly transferred from one place to another, is there any provision for the superior officer to inform the Rent Control authority immediately that a particular person is transferred and, therefore, is without a house? In the case of sudden transfers, from whom should he seek remedy? I am

asking a simple question before the House. We would like to know the code of priority adopted by the Government for the houseless people.

Let me make an appeal to the Hon. Minister that all complaints of commission and omission in the case of non-residential buildings will be looked into without fear or favour.

* SRI V. K. RAMASWAMI MUDALIAR: Mr. Deputy Chairman, Sir, I was one of those who served on the Joint Select Committee on the Rent Control Bill when the Hon. Minister Sri V. Ramaiah was in charge of the Bill. The Bill was then gone into in detail and then only the exemption limit was fixed. After three years of the passing of this Act, the Government have now come forward with this Amending Bill. My submission is that people who are having very good business and are having tens of thousands of rupees as turnover will also have the benefit of this exemption. Why should they be exempted when they are making a huge profit and when they are in a position to pay Rs. 400 and more? I agree with Dr. Mudaliar that they do not need the protection of the Government. In case exemption is granted in those cases, we will find that the Government will stand to lose so far as income-tax is concerned. The Corporation of Madras also will stand to lose. Again, the cost of maintenance of these buildings has gone up considerably. Another point is that it curbs the enthusiasm of the landowners to build any more houses. My submission is that at least some exemption limit should be fixed. Instead of Rs. 400, why not raise the exemption limit? If that is not done, it will work great hardship on the landowners. On the whole, if the amendment is passed, it does not bear any relation to equity or justice.

* SRI G. KRISHNAMOORTHY: Mr. Deputy Chairman, Sir, this is a Bill intended to amend the original Act. As the hon. the Deputy Leader of the Opposition rightly pointed out, in a
3-00 p.m. democratic state, we must remove all the accommodation controls; when we are aiming at national integration, this legislation which is already in force and which we try to further amend, is going to create divisions among the people.

Sir, somehow or other property owners have come to be looked upon as sinners to-day, whether they be owners of a piece of land, a vacant site or ground, a small house or a small shop. These people are called landlords. One who does not own this type of property but owns a lot of cash and does a lot of business and earns huge profits, is considered to be a tenant and these are days for tenants and not for landlords as those poor people are called.

Now we have so many provisions in the Act. There is a clause which says that if the house had been constructed after 1960, it would not come under the provisions of the Act. Again if the rent of a residential building is over Rs. 250, it also will not come

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under the purview of the Act. Tenants can do anything but the landlords are looked upon as people who always commit sins, who do not provide any amenities and who are always bent upon making money. Is this a correct attitude for the Government to take? Why should not the Government allow the problem to get itself solved by the operation of the law of supply and demand? Even in the report given by the Government proposing this amendment to the Act, Government have admitted that they have not been able to solve the housing problem. They have built so many houses. Wherever we go, within a radius of 20 miles of the City, we see buildings and houses coming up, we see brick and mortar and steel rolls in the streets. Yet in spite of this construction work progressing, the housing problem has not been solved.

Sir, the original Act was thought of as an emergency measure but still we continue it with a very big establishment to work it, and to mediate between the two classes of people, the tenants and the landlords. Is this necessary and are our landlords so unsympathetic as to extract money from their tenants ? Are there not petty landlords solely depending on this income? Should they be deprived of this very just income for their subsistence which they ought to get according to the existing cost of living index? This amending Bill will cause considerable disadvantage to many though it may give some advantages to a few people. The right attitude on the part of the Government would be to study both sides of the question and see that the accommodation control is not there. This should be left to the sweet will and pleasure of the landlords and the tenants concerned. But the Government might say, once this Act is repealed, and there is no provision to control rents, then the landlords would pounce upon the tenants and increase the rents. After all, the rent should be regulated by the law of supply and demand. After all, there may be people ready to pay the rent. Why should the Government interfere in everything? That Government is the best which governs the least. Even in small affairs concerning the citizens, we are now regulating their conduct. That is why we see so much of annoyance is caused to the general public. As was rightly pointed out by the hon. Member Dr. Hande, if this Amending Bill is passed, there will be demand from people occupying residential buildings to take away the limit of Rs. 250 even in case of residential buildings. They would like to have the same advantage now proposed to be granted to those occupying non-residential buildings. There is no guarantee that Government would not get similar petitions from them also. We would like to know as the hon. Member Dr. Hande pointed out, the reasons why Government have not included residential buildings also in this amending Bill. As the hon. the Deputy Leader of the Opposition pointed out, we should try to help poor people who live in houses fetching rents of Rs. 250 and below and not people who are in business and earn quite a good lot. As was rightly pointed out by the Hon. the Leader of the Opposition people paying rent of Rs. 400 and over

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should be doing roaring business and earning good profits these days. What are the reasons that moved the Government to take a sympathetic view of the case of these people alone and not those in occupation of the residential buildings, must be made clear by the Government.

திரு. எம். சுப்பையா செட்டியார் : கனம் உபதலைவர் அவர்களே, இந்த **Rent Control Amendment Bill** விஷயமாக சில வார்த்தைகள் பேச விரும்புகிறேன். இப்போது அரசாங்கம் தொட்டதற்கு எல்லாம் **Control** கொண்டுவருவது போல் இந்த 1960-ம் வருஷ **Rent Control.** சட்டத்திலும் **Control** கொண்டுவந்திருக்கிறார்கள். இப்படியே புதிதுபுதிதாக கண்ட்ரோல்களைக் கொண்டுவர அரசாங்கம் விரும்புவதாகத் தெரிகிறது. வியாபாரிகளுக்கு—400 ரூபாய் வாடகை கொடுக்கிறவர்களுக்கு பல தொந்தரவுகள் இருக்கின்றன. அந்த மாதிரி தொந்தரவு பட்டதைச் சொல்லி இருக்கிறார்கள். அவர்களுக்குப் பாதுகாப்பு கொடுக்க வேண்டும் என்ற வகையில் இந்தச் சட்டத்தைத் திருத்த வேண்டும் என்று கொண்டு வந்திருக்கிறார்கள்.

பொதுவாக பல ,காரியங்கள் நடக்கும்போது சில தொந்தரவுகள் ஏற்படத்தான் செய்யும். சில தொந்தரவுகளுக்காக அரசாங்கம் அதை மாற்றக் கூடாது. உதாரணமாக பலபேர் வாடகையை வைத்துக் கொண்டுதான் ஜீவனம் நடத்தி வருகிறார்கள். ரூ. 400-க்கு மேல் ஒரு வியாபாரி வாடகை கொடுக்கக் கூடிய நிலையில் இருக்கும்போது அந்த வீட்டுக்காரர் வியாபாரியிடம் விரோதமாக இருக்கமாட்டார். அவர்களும் தப்புத்தண்டாவுக்குப் போகமாட்டார்கள். அந்த வியாபாரிகளும் பரம்பரை பரம்பரையாக ஒரே கட்டிடத்தில் இருந்து தான் வியாபாரம் செய்கிறார்கள். ஆயிரத்தில் ஒருவர்தான் இடைஞ்சல் செய்வார். இதைக் காரணமாக வைத்துக் கொண்டு ரூ. 400-க்கு மேல் ஏற்றக்கூடாது என்று சொல்வது தவறு. விலைவாசி எப்படி ஏறிக்கொண்டே போகிறது என்று தெரியும். 1960-க்கு முன் இருந்த அதே வாடகையை வைத்து இருக்க வேண்டும் என்று கேட்பது நியாயம் இல்லை. இதை அரசாங்கம் உணர வேண்டும்.

எனக்கு ஒரு சந்தேகம் வருகிறது. ஆளும் கட்சியினர் வியாபாரிகளிடமிருந்து **donation** வாங்குவதற்காக, வியாபாரிகளுக்காக இந்த நன்மையைச் செய்கிறார்களோ என்று சந்தேகப்படுகிறேன். நான் உறுதியாக சொல்வதற்கில்லை. இந்த மாதிரியான காரியங்களுக்கு இடம் கொடுக்கக்கூடாது. குடியிருப்பவர்களுக்கு விலக்கு கொடுத்தால்கூட நியாயமாக இருக்கும். அந்த மாதிரி குடித்தனம் இருப்பவர்களுக்கு விலக்கு இல்லாமல், வியாபாரிகளுக்குமட்டும் போடுவது சரியில்லை. வியாபாரத்தில் இருப்பவர்கள் இந்த விவகாரத்திற்குப் போகமாட்டார்கள். அவர்கள் கூடுமானவரை, வீட்டுக்காரர்களின் நல்லெண்ணத்தை வைத்துக் கொண்டுதான் காரியம் செய்கிறார்கள். அப்படி இருக்கும் போது அரசாங்கம் தொட்டதற்கு எல்லாம் **Control** கொண்டுவரக் கூடாது. அரசாங்கத்தின் தயவை மக்கள் எதற்கும் எதிர்பார்க்க

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வேண்டும் என்று இருப்பதை எடுக்க வேண்டும். இப்படி புதிதாக Control கொண்டுவருவதைவிட இருக்கிற Control களை எடுக்க அரசாங்கம் ஆவன செய்யவேண்டுமென்று கேட்டுக்கொள்கிறேன்.

THE HON. SRIMATHI JOTHI VENCATACHELLUM: Mr. Deputy Chairman, Sir, I am grateful to the hon. Members for their criticisms and for their suggestions. The hon. Deputy Leader of the Opposition said that Government once decided to do away with this control. Finding the difficulties of the people, particularly the Government servants, in getting proper accommodation, certain provisions were enacted under the Act of 1960 with a certain amount of relaxation of control. Though it was the idea of the Government to gradually relax control, as a first step towards that, it was decided that all new buildings put up after 30th September 1960 could be completely exempted from the purview of the Act and we also fixed a limit of Rs. 250 in respect of residential buildings and Rs. 450 in respect of non-residential buildings that would come under the scope of the Act. In the actual working of the Act we found that while a number of new residential buildings had come up, no new non-residential building had come up after the enactment of the Act. Apart from that, most of the business concerns, we found, were located in rented buildings. It will be perfectly all right if the landlords enhance the rent up to a certain limit. But we find that the rent is enhanced twice and even three times four hundred rupees. These buildings could not be brought under the purview of the Act.

SRI K. BALASUBRAMANYA AYYAR: They accepted it. 3–10 p.m.

THE HON. SRIMATHI JOTHI VENCATACHELLUM: But the hon. the Deputy Leader of the Opposition does not know the number of suits filed in the Civil Courts.

SRI K. BALASUBRAMANYA AYYAR: I would like to know the number of suits filed.

THE HON. SRIMATHI JOTHI VENCATACHELLUM: Not only that. Even in spite of the fact that the tenants were willing to pay enhanced rents, they were threatened and harassed with eviction proceedings. For this reason, the Government have brought forward this Bill. It is the duty of the Government to protect not only the business community but also people occupying residential buildings. But in the case of residential buildings, only a few representations were received by the Government and they were considered by the Government. But as a very large number of businessmen have made representations to the Government and since their cases were pending in the Court, the Government thought it right to interfere. Whatever be the agreement between the landlord and the tenant, the Government are not aware of. But only when it came to a question of harassment of the tenants by the landlords, the Government thought they should come forward with this legislation. There is no difficulty in the case of

residential buildings. As the hon. Member Dr. Hande pointed out, residential buildings also fetching a rent of more than Rs. 250, should be brought within the purview of the Act. But, new residential buildings have come up in sufficient numbers after 1960. In the case of non-residential buildings, not many new buildings have come up. The catering establishments have to continue in the same old rented buildings. We have to protect the interests of the catering establishments.

SRI K. BALASUBRAMANYA AYYAR : Hotel people are those who make lot of money.

THE HON. SRIMATHI JOTHI VENCATACHELLUM : The landlords have got the right to enhance the rent, but I do not think it will be correct for any landlord to evict the tenants after having taken them as tenants for a number of years. This will not only affect their business but also their very life itself. Considering all these things, it is necessary to bring forward this Bill. Sir, the hon. the Deputy Leader of the Opposition said that the Hon. Sri V. Ramaiah who was the Chairman of the Joint Select Committee and also the Member in charge of this Bill in 1960, was very reasonable. I may say, Sir, that I am also very reasonable. (Laughter). I do not think there should be any controversy over this simple Bill, though it might affect certain landlords. I request the House to accept the Bill.

DEPUTY CHAIRMAN : The question is—

"That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1964 (L.A. Bill No. 17 of 1964), as passed by the Assembly, be taken into consideration."

The motion was put and declared carried.

SRI K. BALASUBRAMANYA AYYAR : I demand a poll.

* THE HON. SRI R. VENKATARAMAN : Mr. Deputy Chairman, it is customary in this House to call the names of Members block by block to stand in their places. Since seats have not yet been allotted, and as this is the first day of the meeting after the biennial elections, those in favour of the Motion and those against the Motion may be asked to stand in their places, and then a count taken.

DEPUTY CHAIRMAN : Those who are for the motion will stand in their places first and those against next, and then the neutral.

Twenty-four Members stood in favour of the motion, eleven against, and two neutral.

The motion was carried and the Bill was taken into consideration.

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Clauses 2 and 3 were put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRIMATHI JOTHI VENCATACHELLUM: Sir, I move—

"That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1964 (L.A. Bill No. 17 of 1964), as passed by the Assembly, be passed."

DEPUTY CHAIRMAN: Motion moved—

"That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1964 (L.A. Bill No. 17 of 1964), as passed by the Assembly, be passed."

SRI K. BALASUBRAMANYA AYYAR: Sir, I hope the Deputy Chairman will appeal to the Hon. Minister not to bring in another Bill covering residential buildings. Representations should be carefully looked into and merely because there are representations we should not take action.

DR. A. LAKSHMANASWAMI MUDALIAR: Sir, it is stated that representations have been received by the Government. I ask for those representations to be placed on the table of the House so that the Members may look into them and see what sort of people have made representations and what their object in making the representations is. This Act was expected to be extinct by this time. But it is being given life year after year. I hope this House will be given an opportunity to go into all the matters connected with this Bill. We are not unreasonable people. We have supported the Government in many a measure. We will support them here also, if there is any need for this.

DR. H. V. HANDE: I hope the Hon. Minister will give sympathetic consideration to the representations of those interested in the rents of residential buildings.

DEPUTY CHAIRMAN: The question is—

"That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1964 (L.A. Bill No. 17 of 1964), as passed by the Assembly, be passed."

The motion was put and carried and the Bill was passed.

(2) THE LAND IMPROVEMENT LOANS (MADRAS AMENDMENT) BILL, 1964 (L.A. BILL NO. 8 OF 1964).

THE HON. SRI V. RAMAIAH: Mr. Chairman, Sir, I move—

"That the Land Improvement Loans (Madras Amendment) Bill, 1964 (L.A. Bill No. 8 of 1964), as passed by the Assembly, be taken into consideration."

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a Printed as Appendix II on page 26.

The Technical Committee on Land Mortgage Banks constituted by the Reserve Bank of India recommended *inter alia* that the mortgages executed in favour of a land mortgage bank as security for the loan issued by it should be given priority over any claim of Government resulting from the loans granted under the Land Improvement Loans Act, 1883 (Central Act XIX of 1883), after the execution of the mortgage in favour of the Land Mortgage Bank.

Section 28 of the Madras Co-operative Land Mortgage Banks Act, 1934 (Madras Act X of 1934), already provides that the mortgages executed in favour of a land mortgage bank should be given priority over any claim of the Government arising from the loans under the Land Improvement Loans Act, 1883 (Central Act XIX of 1883), granted after the execution of the mortgage. But under the proviso to sub-section (1) of section 7 of the Land Improvement Loans Act, 1883 (Central Act XIX of 1883), loans granted under that Act get priority over the interest of mortgagees of the land for the benefit of which the loan has been granted. In order to remove the apparent conflict between the provisions of these two enactments, it has been decided to undertake legislation to amend the proviso to sub-section (1) of section 7 of the Land Improvement Loans Act, 1883 (Central Act XIX of 1883). Sub-section (5) of section 32 of the Madras Co-operative Societies Act, 1961 (Madras Act 53 of 1961), also provides that the charge created by sub-section (1) of that section in favour of a registered society should be given priority over any claim of the Government arising from a loan granted under the Land Improvement Loans Act, 1883, after the grant of the loan by the society. Opportunity is therefore being availed of to amend the Land Improvement Loans Act, 1883, to remove the apparent convict between the provisions of the said Act and the Madras Co-operative Societies Act, 1961, also.

This Bill seeks to achieve these twin objects. I move that the Bill be taken into consideration.

DEPUTY CHAIRMAN: Motion moved—

"That the Land Improvement Loans (Madras Amendment) Bill, 1964 (L.A. Bill No. 8 of 1964), as passed by the Assembly, be taken into consideration."

3–20 p.m. DR. H. V. HANDE: Mr. Deputy Chairman, Sir the proposed amendment of sub-section (1) of section 7 of the Central Act XIX of 1883 is, in my opinion, dangerous because it encourages the mortgagee to raise a loan without any control and it also encourages the mortgage banks to give loans with greater ease, thereby contributing to the increase in land price. Besides, there is always the serious risk of the Government not getting the money back from the mortgagee. I hope the Hon. Minister and the Members will take these facts into consideration before accepting this amendment.

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* THE HON. SRI R. VENKATARAMAN : Mr. Deputy Chairman. I think the hon. Member has not fully appreciated the purpose of the amendment as well as the effect of the amendment. As the law now stands; the loans given under the Land Improvement Act have a priority over any other debt while the land mortgage banks, have a priority under another enactment. There is a conflict between the Land Mortgage Bank Act and the Land Improvement Act. Now, in the case of a loan given, after the land improvement loan is granted by the land mortgage bank, it will take its precedence after the land mortgage bank loan. Conversely if a land improvement loan is given after the loan given by the land mortgage bank, then notwithstanding the fact that under the Land Improvement Act, there is priority for that loan, we are providing now that it should not get priority. Otherwise, the loans given by the co-operative land mortgage banks will suffer. Therefore, we have said that priority will be determined by the order in which the loan are given and in order to effectuate that, this amendment has been brought in. It will not encourage anybody to borrow. In any event, loans under the Land Improvement Act are not given so easily, nor can the loans from the land mortgage bank be obtained so easily.

திரு. ஏ. கே. தங்கவேல் முதலியார் : Land Mortgage Bank ல் பழைய கடன் பட்டிருந்தால் அதை முதலில் பைசல் செய்து விட்டுத் தான் Improvement Loan- க்கு வர வேண்டும்.

DEPUTY CHAIRMAN : The question is—

"That the Land Improvement Loans (Madras Amendment) Bill, 1964 (L.A. Bill No. 8 of 1964), as passed by the Assembly, be taken into consideration."

The motion was put and carried and the Bill was taken into consideration.

Clause 2 was put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI V. RAMAIAH : Sir, I move—

"That the Land Improvement Loans (Madras Amendment) Bill, 1964 (L.A. Bill No. 8 of 1964), as passed by the Assembly, be passed."

DEPUTY CHAIRMAN : The question is—

"That the Land Improvement Loans (Madras Amendment) Bill, 1964 (L.A. Bill No. 8 of 1964), as pasesed by the Assembly, be passed."

The motion was put and carried and the Bill was passed.

DEPUTY CHAIRMAN : The House will now adjourn and meet again at 5 p.m. tomorrow.

The House then adjourned.

VII.—PAPERS LAID ON THE TABLE OF THE HOUSE.

* 219. *Short review of the activities of the Harijan Welfare Department for the half ended year 30th September 1962.*

@ 220. *Notification issued with G.O. Ms. No. 362, Rural Development and Local Administration, dated 14th February 1964 regarding constitution of Alandur Municipality from 1st April 1964.*

@ 221. *Notification issued with G.O. Ms. No. 319, Rural Development and Local Administration, dated 11th February 1964 regarding constitution of Allinagaram Municipality with effect from 1st April 1964.*

* 222. *Short review of the activities of the Public Works Department during the first half of the year ended 30th September 1962 in so far as they relate to major building schemes.*

@ 223. *Notification issued with G.O. Ms. No. 1458, Public (General-M), dated 16th September 1963 relating to introduction of Tamil in the Highways and Rural Works and Public Health Departments.*

@ 224. *Notification issued with G.O. Ms. No. 346, Rural Development and Local Administration, dated 13th February 1964 relating to the change of name of Lakshminaickenpalayam Panchayat Union as Sultanpet Union in the West Coimbatore Development district.*

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* ept in the Legislature Library for perusal by Members.

@ Sent by post to all M.L.Cs. on 10th April 1964,

APPENDIX I.

(*Vide* Item VI (1) on page 10.)

L.A. Bill No. 17 of 1964.

(As passed by the Assembly.)

A Bill further to amend the Madras Buildings (Lease and Rent Control) Act, 1960.

BE it enacted by the Legislature of the State of Madras in the Fifteenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Madras Buildings (Lease and Rent Control) Amendment Act, 1964.

2. *Amendment of section* 30, *Madras Act* 18 *of* 1960.—In section 30 of the Madras Buildings (Lease and Rent Control) Act, 1960 (hereinafter referred to as the principal Act),—

(i) in clause (ii), the word " or " occurring at the end shall be omitted;

(ii) clause (iii) shall be omitted;

(iii) in the Explanation, for the words, brackets and figures " clauses (ii) and (iii) ", the word, brackets and figures " clause (ii) " shall be substituted.

3. *Certain pending proceedings to abate.*—Every proceeding in respect of any non-residential building or part thereof pending before any court or other authority or officer on the date of the publication of this Act in the *Fort St. George Gazette* and instituted on the ground that such building or part was exempt from the provisions of the principal Act by virtue of clause (iii) of section 30 of the principal Act, shall abate in so far as the proceeding relates to such building or part. All rights and privileges which may have accrued before such date to any landlord in respect of any non-residential building or part thereof by virtue of clause (iii) of section 30 of the principal Act, shall cease and determine and shall not be enforceable:

Provided that nothing contained in this section shall be deemed to invalidate any suit or proceeding in which the decree or order passed has been executed or satisfied in full before the date mentioned in this section.

Appendix II.

(*Vide* Item VI (2) on page 21.)

L.A. Bill No. 8 of 1964.

(As passed by the Assembly.)

A Bill further to amend the Land Improvement Loans Act, 1883, *in its application to the State of Madras.*

Be it enacted by the Legislature of the State of Madras in the Fifteenth Year of the Republic of India as follows:—

1. *Short title and extent.*—(1) This Act may be called the Land Improvement Loans (Madras Amendment) Act, 1964.

(2) It extends to the whole of the State of Madras.

2. *Amendment of section* 7, *Central Act XIX of* 1883.—In the proviso to sub-section (1) of section 7 of the Land Improvement Loans Act, 1883 (Central Act XIX of 1883), after the words "Provided that", the words, figures and brackets "subject to the provisions of section 28 of the Madras Co-operative Land Mortgage Banks Act, 1934 (Madras Act X of 1934) and sub-section (5) of section 32 of the Madras Co-operative Societies Act, 1961 (Madras Act 53 of 1961)" shall be inserted.